

**TOWN OF LOS GATOS
CALIFORNIA
TOWN COUNCIL/PARKING AUTHORITY
JOINT REDEVELOPMENT AGENCY
SEPTEMBER 7, 2004 / MINUTES**

Los Gatos Civic Center
110 E. Main Street
Los Gatos, CA 95030

TIME	ITEM	ACTION ON ITEM
7:08 PM	TOWN COUNCIL	The Town Council/Parking Authority/Redevelopment Agency of the Town of Los Gatos met in the Council Chambers of the Town Hall, 110 East Main Street, at 7:08 p.m., Tuesday, September 7, 2004, in a joint regular session.
7:08 PM	ROLL CALL	Present: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman and Mayor/Chairman Glickman. Absent: None
7:08 PM	PLEDGE OF ALLEGIANCE	The audience was invited to participate in the Pledge of Allegiance.
7:09 PM	CLOSED SESSION	Town Attorney, Orry Korb, reported that Council had met in Closed Session prior to this evening's meeting pursuant to Government Code Section 54956.9 regarding Pending Litigation concerning Akeena, Inc. vs. Town of Los Gatos in Santa Clara County Superior Court, Case #103-CV-009221. Council gave direction. There was no reportable action taken. Pursuant to Government Code Section 54957 regarding Public Employee Performance Evaluation, Town Attorney. Council gave direction. No reportable action was taken.
	APPOINTMENT	COMMITTEE APPOINTMENT
7:10 PM	HISTORIC PRESERVATION COMMITTEE	Mayor Glickman announced that one application had been received from Robert Cowan for one opening on the Historical Preservation Committee. Voting was held and Mr. Cowan was appointed to the Historical Preservation Committee for a term ending 12/31/06.

TIME	ITEM	ACTION ON ITEM
7:11 PM	PRESENTATION	PRESENTATION
7:11 PM	COMMENDATION BUSINESS RECOGNITION	Councilmember Pirzynski presented a Commendation from the Town to Margaret Smith, owner of Domus, for her community involvement in support of the business community and the downtown improvement and beautification projects. Ms Smith was present to receive her commendation and thanked the Town for the opportunity to have served our wonderful community.
7:16 PM	COMMENDATION PARKS COMMISSION	Mayor Glickman presented a Commendation to Chelsea Starr from the Town of Los Gatos for her services to our community while serving on the Parks Commission. Ms Star was present to receive her commendation and thanked the Mayor.
7:18 PM	CONSENT ITEMS	CONSENT ITEMS
	ITEM 1 SCHEDULE OF PUBLIC HEARINGS	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council accept and file informational report regarding currently scheduled public hearings. (01.28)
	ITEM 2 PAYROLL RATIFICATION FOR AUGUST 2004	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council ratify the check register for payroll of August 1, 2004 through August 14, 2004 paid on August 20, 2004 in the amount of \$521,449.36. Carried unanimously. (02.V)
	ITEM 3 ACCOUNTS PAYABLE FOR AUGUST 2004	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council ratify the check register for accounts payable invoices paid on August 13, 2004 and August 20, 2004 in the amount of \$813,082.93. Carried unanimously. (03.V)
	ITEM 4 TREASURER'S REPORT JULY 2004	Motion by Mr. Pirzynski , seconded by Mrs. Decker, to accept Treasurer's report for the month ended July 31, 2004. Carried unanimously. (04.02)
	ITEM 5 CIVIL GRAND JURY REPORT FINANCIAL AUDIT	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council approve response to Santa Clara County Civil Grand Jury Report - inquiry into financial and performance audits for the County and cities in the County. Carried unanimously. (05.28)

TIME	ITEM	ACTION ON ITEM
7:18	CONSENT ITEMS	CONSENT ITEMS CONTINUED
	ITEM 6 LEAGUE RESOLUTIONS	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council approve recommended Town positions for the 2004 League of California Cities (LOCC) Resolutions presented at the Annual Conference on September 17-19, 2004. Carried unanimously. (06.28)
	ITEM 7 CONFIDENTIAL EMPLOYEE COMPENSATION Resolution 2004-111	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council adopt Resolution 2004-111 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS APPROVING CONFIDENTIAL EMPLOYEE COMPENSATION PLAN FOR FISCAL YEAR 2004-2005.</u> Carried unanimously. (06.29)
	ITEM 8 14300 WINCHESTER SOBRATO PROJECT PUBLIC RAILWAY CROSSING Resolution 2004-112	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council adopt Resolution 2004-112 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN TO BECOME A CO-APPLICANT WITH VALLEY TRANSPORTATION AUTHORITY AND SOBRATO INTERESTS III IN AN APPLICATION TO THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO CONVERT A PRIVATE RAILWAY CROSSING EASEMENT AT 14300 WINCHESTER BOULEVARD TO A PUBLIC CROSSING.</u> Carried unanimously. (08.15)
	ITEM 9 UNDERGROUND UTILITY LOCATING SERVICES Resolution 2004-113	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council adopt Resolution 2004-113 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT WITH UNDERGROUND TECHNOLOGY, INC. (UTI) TO PROVIDE UNDERGROUND UTILITY LOCATING SERVICES.</u> Carried unanimously. (09.24)
	ITEM 10 PROJECT 0349 CURB, GUTTER AND SIDEWALK REPLACEMENT JJR CONSTRUCT'N Resolution 2004-114	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council adopt Resolution 2004-114 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS ACCEPTING WORK OF JJR CONSTRUCTION, INC. FOR FY 2003-2004 CURB, GUTTER AND SIDEWALK REPLACEMENT - PROJECT 0349 - AND AUTHORIZING THE TOWN MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE AND NOTICE OF COMPLETION FOR RECORDING BY THE TOWN CLERK.</u> Carried unanimously. (10.24)

TIME	ITEM	ACTION ON ITEM
7:18	CONSENT ITEMS	CONSENT ITEMS CONTINUED
	ITEM 11 LA RINCONADA COUNTRY CLUB	This item was pulled and will be heard after Verbal Communications.
	ITEM 12 PERSONNEL BOARD PLANNING COMMISSION Ordinance 2134	<p>PERSONNEL BOARD/PLANNING COMMISSION Item 12 regarding the terms of office of appointees to the Personnel Board and Planning Commission, in order to standardize terms.</p> <p>Orry Korb, Town Attorney, noted that the motion to waive the reading for introducing this ordinance had not been made at the last meeting. He suggested that Council include the waiving of the reading at this time. (The Title of the ordinance was not read by the Clerk for the record.)</p> <p>Motion by Mr. Pirzynski, seconded by Mrs. Decker, that Council waive the reading and adopt Ordinance 2134 entitled, <u>ORDINANCE OF THE TOWN OF LOS GATOS AMENDING TOWN CODE CHAPTER 2, ARTICLE III, SECTION 2.30.930(b) AND CHAPTER 20, ARTICLE II, SECTION 20.20.015 REGARDING THE TERMS OF APPOINTEES TO THE PERSONNEL BOARD AND PLANNING COMMISSION.</u> Carried unanimously. (12.12)</p>
	REDEVELOPMENT	REDEVELOPMENT AGENCY
	ITEM 13 ACCOUNTS PAYABLE FOR AUGUST 2004	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that the Agency ratify the check register for accounts payable invoices paid on August 13, 2004 and August 20, 2004 in the amount of \$700.00. Carried unanimously. (13.V)
7:18	COUNCIL/AGENCY	TOWN COUNCIL/REDEVELOPMENT AGENCY
	ITEM 14 MINUTES AUGUST 16, 2004	Motion by Mr. Pirzynski , seconded by Mrs. Decker, that the Town Council/Redevelopment Agency approve the Minutes of the Joint Regular Meeting of August 16, 2004 as submitted. Carried unanimously. (14.V)

TIME	ITEM	ACTION ON ITEM
7:20 PM	COMMUNICATIONS	VERBAL COMMUNICATIONS
	SPEAKER	Ray Davis asked for a specific policy on the procedures for police arrests of young people in Los Gatos, and for an explanation of what might be a policy concerning accountability to the public. He also noted that during the recent bandstand dedication in Oak Meadow Park there was a formal recognition of the Town's men in military service to our country.
	SPEAKER	Carol Gruetzner spoke concerning the recent Blossom Manor Annexation Election which was defeated. She thanked the Town for all the effort that went in to this process and was quite disappointed by the flyers that the opposition circulated right before the election date. She had hoped for more support from the County, noting that their flyer arrived 2½ weeks too late.
7:27 PM	ITEM 11 LA RINCONADA COUNTRY CLUB REMODELING 14595 CLEARVIEW Resolution 2004-115	PULLED ITEM for discussion: Ray Davis , speaker, spoke of land use permits and the need to reopen this appeal as a totally new application. Orry Korb , Town Attorney, noted the Grand Jury Report and the proper adherence to the changes noted in this applicant's use permits. Motion by Mr. Pirzynski , seconded by Mrs. Decker, that Council adopt Resolution 2004-115 entitled, <u>RESOLUTION OF THE TOWN OF LOS GATOS DENYING APPEAL OF THE PLANNING COMMISSION DECISION APPROVING A REQUEST TO EXPAND MEMBERSHIP, PROVIDE OUTSIDE SEATING FOR THE RESTAURANT AND SNACK SHOP AND TO DEMOLISH AN EXISTING PRO-SHOP, TO ADD ONTO AND CONSTRUCT NEW OUTBUILDINGS, EXPAND AND UPGRADE LANDSCAPING AND PARKING FACILITIES AND TO REMODEL AND ADD ONTO AN EXISTING CLUB HOUSE (LA RINCONADA COUNTRY CLUB) ON PROPERTIES ZONED R-1:20 AND RC AND REZONED R-1:12.</u> Carried unanimously. (11.15)
7:33	PUBLIC HEARING	PUBLIC HEARING There were no public hearings on this Agenda.

TIME	ITEM	ACTION ON ITEM
7:33 PM	MANAGER MATTERS	<p>MANAGER MATTERS</p> <p>Coyote issues in Los Gatos neighborhoods.</p>
	<p>ITEM 19</p> <p>COYOTES IN THE NEIGHBORHOODS</p>	<p>Pamela Jacobs gave a staff report on this issue. She spoke of the Town code related to trapping. She noted that Vector Control has requested a letter from the Town that would allow them to use padded-jaw traps to control the problem.</p> <p>Orry Korb, Town Attorney, suggested sending the letter and then considering repealing the section of the Town Code that prohibits setting traps for certain animals.</p>
	<p>ITEM 19</p> <p>SPEAKERS</p>	<p>KK Lewis, asked that the Town allow leg traps for this problem and noted the coyotes that had been seen in her neighborhood.</p> <p>Susan Katz spoke of calling Vector Control in July but nothing has been done and the neighborhood's dogs and cats have been disappearing since then.</p> <p>Andy Eshkar spoke of coyote activity since July and of the pictures that have been taken of very sick looking animals. He requested a trap be placed on his property.</p> <p>Mary Paglieri, representing the "Little Blue Society" for the protection of wild animals asked that the Council consider not allowing leg traps, rather that the Town focus on discouraging the coyotes from entering the neighborhoods, by: 1) Keeping all pet food indoors 2) Keeping cats indoors 3) Fencing yards for outside dogs 4) Using other methods to encourage the coyotes to leave the neighborhoods.</p> <p>Jim Dunley spoke of the loss of turkeys, deer, fawns and pets due to the sudden increase of the coyote population in the Blossom Hill neighborhoods.</p> <p>Jeanne Gardner, Westchester Drive resident, found some cat body parts and has placed signs in the neighborhood. She asked for the Town's immediate help with the problem.</p> <p>George Belding, asked for Council to allow Vector Control to address this problem.</p> <p>Shirley Henderson asked that Council handle the problem quickly.</p> <p>Ray Davis speaking in support of the wildlife, asked that Fish and Game be contacted or a nearby University to see what suggestions they might have regarding this issue.</p> <p>Hemme Metalia noted that his five year old cannot play in the yard at this time due to the number of coyotes in the neighborhood.</p>

TIME	ITEM	ACTION ON ITEM
8:00 PM	MANAGER MATTERS	MANAGER MATTERS CONTINUED Coyote issues in Los Gatos neighborhoods.
	ITEM 19 MOTION	Motion by Mr. Wasserman , seconded by Mrs. Decker, to direct the Town Attorney to write a letter to Vector Control asking that they proceed to trap with padded leg traps these animals which have left their own habitat and entered our residential neighborhoods.
8:35 PM	ITEM 19 COUNCIL COMMENTS ON MOTION	Council Comments: * Coyotes present an immediate health and safety issue with heart worm, mange, various illnesses, loss of pets and threats to the residents. * Residents should continue to take preventive measures. * Town Code shall remain as is at this time.
8:40 PM	CALLED FOR MOTION - ITEM 19	Motion carried unanimously.
8:45 PM	ITEM 15 BOARDS AND COMMISSIONS CONSENSUS	RECOMMENDATION RELATED TO INTERVIEW AND APPOINTMENT PROCESS FOR TOWN BOARDS, COMMITTEES AND COMMISSIONS. Council Consensus: * That the full Council screen written applications for vacancies on Town Boards, Committees and Commissions. * That Council conduct oral interviews of applicants at a special meeting of the Town Council with appointments to be made at the next regular meeting.
8:55 PM	ITEM 16 TOWN MARKETING PLAN	Council acceptance of staff report on Town Marketing Plan. Pamela Jacobs spoke about the plan which included strategies and tactics for promoting Los Gatos in partnership with our marketing partners such as the Chamber of Commerce. Council consensus to accept report.
9:43 PM	ITEM 17 (17.28) GRAND JURY REPORT MOTION	Response to Santa Clara County Civil Grand Jury Report Inquiry into the Board Structure and Financial Management of the Valley Transportation Authority Orry Korb , Town Attorney, noted that as a constituent agency of the VTA we must respond to the report. Motion by Mrs. Decker , seconded by Mr. Pirzynski, to take the necessary time to clarify the VTA report, determine the revenue source and financial management, review the restructuring mechanisms and continue this item to September 20, 2004. Carried unanimously.

TIME	ITEM	ACTION ON ITEM
9:42 PM	ITEM 18A KCAT BOARD RESTRUCTURING	KCAT BOARD RESTRUCTURING A verbal update on KCAT Board restructuring was given by Mr. Wasserman . He spoke of the goal being the revision of the by-laws to remove elected officials from the Board in line with Council direction.
9:44 PM	ITEM 18B FORMULA RETAIL CONDITIONAL USE PERMIT	CONDITIONAL USE PERMIT FOR FORMULA RETAIL Council Comments: * Council would like to see review of formula retail regulations * Questions on this issue should be studied
	ITEM 18B MOTION	Motion by Ms McNutt , seconded by Mrs. Decker, to direct staff to work with the General Plan Committee and discuss and review what has taken place over time regarding formula stores in the downtown. Carried unanimously. (18B.40)
9:20	ITEM 18C ENTERTAINMENT EATING AND DRINKING ESTABLISHMENTS	ENTERTAINMENT USES IN EATING OR DRINKING ESTABLISHMENTS Council Comments: * Place the issue on the 2005 Council Retreat agenda * This is not an immediate priority * Entertainment in Town seems to be under control at this time
10:46 PM	ADJOURNMENT	Mayor Glickman adjourned this evening's meeting at 10:46 PM.

ATTEST:

Marian V. Cosgrove
Town Clerk
Secretary to the Redevelopment Agency